OFFICE OF THE ATTORNEY GENERAL OF TEXAS
AUSTIN

GERALD C. MANN
ATTORNEY GENERAL

Hon. O. J. S. Ellingson
General Manager
Texas Prison System
Huntsville, Texas

Dear Sir:

Opinion No. 1442
Re: May the salary of the
Secretary to the War-
den be supplemented
out of the Educational
and Recreational Fund?

Your inquiry of the 11th inst. is received. You state:

"At the last meeting of the Prison Board, a letter was read to the Board calling attention to the salary of Mr. Ewing Stanley, whose regular duty is secretary to the Warden.

"In addition to his regular duties in this position, Mr. Stanley performs services for the Prisoners' Commissary such as selling tickets to visitors who are conducted through the Prison by guides paid out of the Prisoners' fund, checking monthly the Prisoners' Commissary and paying prize money and other compensation to the prisoners who participate in the annual rodeo.

"It was suggested that Mr. Stanley be paid for these services out of the Educational and Recreational Fund. Although this would be supplementing his salary, it would be from a local fund for services to that fund.

"Is it legal to do this?"

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In the General Appropriation Bill under the Prison System, item 40, there is an appropriation for secretary to the Warden. In the general rider to the Appropriation Bill, under the head "Salary And Other Provisions", subdivision (d) it is provided:

"The appropriations herein provided are to be construed as the maximum sum to be appropriated to and for the several purposes named herein, and the amounts are intended to cover and shall cover the entire cost of the respective items, and the same shall not be supplemented from any other source; * * *"

In view of this specific provision of the Appropriation Bill, we answer that the salary of the Secretary to the Warden may not be supplemented from any source.

Yours very truly

ATTORNEY GENERAL OF TEXAS

By

A. S. Rollins
Assistant

ASR-MR

APPROVED SEP 23, 1939

ATTORNEY GENERAL OF TEXAS